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Attorneys for Defendant

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

**OREGON PRESCRIPTION DRUG  
MONITORING PROGRAM, an  
agency of the STATE OF OREGON,**

**Plaintiff,**

**v.**

**UNITED STATES DRUG  
ENFORCEMENT  
ADMINISTRATION, an agency of the  
UNITED STATES DEPARTMENT  
OF JUSTICE,**

**Defendant.**

**Case No.: 3:12-cv-02023-HA**

**DEFENDANT'S CROSS-MOTION  
FOR SUMMARY JUDGMENT  
AGAINST PLAINTIFFS-  
INTERVENORS**

**JOHN DOE 1, JOHN DOE 2, JOHN  
DOE 3, JOHN DOE 4, DR. JAMES  
ROE, and the AMERICAN CIVIL  
LIBERTIES UNION OF OREGON,  
INC.,**

**Plaintiffs-Intervenors,**

**v.**

**UNITED STATES DRUG  
ENFORCEMENT  
ADMINISTRATION, an agency of the  
UNITED STATES DEPARTMENT  
OF JUSTICE,**

**Defendant in Intervention.**

Defendant United States Drug Enforcement Administration (“DEA”), by S. Amanda Marshall, United States Attorney for the District of Oregon, through Assistant U.S. Attorney Kevin Danielson, moves this Court for summary judgment under Fed. R. Civ. P. 56 against Plaintiffs-Intervenors.

This cross-motion asks this Court to rule: (1) that Plaintiffs-Intervenors lack standing; (2) that their claim is not ripe; (3) that they do not have a reasonable expectation of privacy interest under the Fourth Amendment in their prescription information; and (4) that an administrative subpoena issued under 21 U.S.C. § 876 does not require a judicial order based on probable cause. In support of this cross-motion, DEA submits the accompanying memorandum of law.

Dated this 20<sup>th</sup> day of August 2013.

Respectfully submitted,

S. AMANDA MARSHALL  
United States Attorney  
District of Oregon

/s/ Kevin Danielson  
KEVIN DANIELSON  
Assistant United States Attorney  
Attorneys for Defendant